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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/769,554	01/30/2004	Chien-Min Sung	21154.DIV	5868

20551 7590 07/26/2006

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EXAMINER

PIZARRO CRESPO, MARCOS D

ART UNIT	PAPER NUMBER
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2814

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/769,554	Applicant(s) SUNG, CHIEN-MIN	
	Examiner Marcos D. Pizarro-Crespo	Art Unit 2814	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 20-30 is/are pending in the application.
- 4a) Of the above claim(s) 2,3 and 22-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-15,20 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-15 and 20-30 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/21/2006</u> | 6) <input type="checkbox"/> Other: _____ |

Application/Control Number: 10/769,554 (Final Rejection)
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Attorney's Docket Number: 21154.DIV

Filing Date: 1/30/2004

Claimed Priority Date: 10/11/2002 (Divisional of 10/270,018)

Applicant(s): Sung

Examiner: Marcos D. Pizarro-Crespo

DETAILED ACTION

This Office action responds to the request for reconsideration filed on 6/22/2006.

Acknowledgment

1. The request for reconsideration filed on 6/22/2006, responding to the Office action mailed on 3/22/2006, has been entered. The present Office action is made with all the suggested amendments being fully considered. Accordingly, pending in this Office action are claims 1-15 and 20-30.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 4, 7, 11, 20, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Ishikawa (WO 01/48816).

4. Regarding claim 1, Ishikawa shows all aspects of the instant invention including a method of making a diamond composite heat spreader comprising the steps of:

- Providing a first plurality of diamond particles **12b** having a first average mesh size (see, e.g., fig. 15)
- Packing the diamond particles such that each particle is substantially in diamond-to-diamond contact with at least one other particle (see, e.g., pp.25/II.28-pp.26/II.6)
- Providing an interstitial material including Ag, Cu, Al, Si, or BNi_2 (see, e.g., pp.26/II.7-9)
- Bonding the packed diamond particles by the interstitial material such that the interstitial material at least partially fills any voids between the packed diamond particles (see, e.g., pp.22/II.18-24)

5. Regarding claim 4, Ishikawa shows the step of bonding is performed by infiltrating the interstitial material (see, e.g., pp.27/II.9-13).

6. Regarding claim 7, Ishikawa shows that the step of packing the particles further comprises packing the particles to over 50% of the heat spreader prior to the step of providing the interstitial material (see, e.g., pp.26/II.16).

7. Regarding claim 11, Ishikawa shows the particles contacting one another sufficiently to provide a continuous diamond-to-diamond path to substantially each of the particles (see, e.g., fig. 1).

8. Regarding claim 20, Ishikawa shows the interstitial material is selected from the group consisting of Al, Cu, Ag, and mixtures thereof (see, *e.g.*, pp.26/II.7-9).

9. Regarding claim 21, Ishikawa shows the interstitial material may be a Si alloy of a member selected from the group of Ni, Ti, Al, and Cr (see, *e.g.*, pp.22/II.20 and pp.23/II.4,8).

10. Claims 1, 4, 7, 11-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Hall (US 2002/0023733).

11. Regarding claim 1, Hall shows all aspects of the claimed invention including a method of making a diamond composite heat spreader comprising the steps of:

- Providing a first plurality of diamond particles having a first average mesh size (see, *e.g.*, par.0018/II.13)
- Packing the diamond particles such that each diamond particle is substantially in contact with at least one other diamond particle (see, *e.g.*, par.0022/II.29-37)
- Providing an interstitial material including Cu (see, *e.g.*, pars.0023,0029)
- Bonding the packed diamond particles by the interstitial material such that the interstitial material at least partially fills any voids between the packed diamond particles (see, *e.g.*, par.0025/II.1-8 and par.0023)

12. Regarding claim 4, Hall infiltrates the interstitial material to perform the bonding step (see, *e.g.*, par.0029).

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13. Regarding claim 7, Hall teaches the packing step comprising packing the particles to over 50% by volume of the diamond composite prior to the step of providing an interstitial material.

14. Regarding claim 11, Hall shows the diamond particles contacting one another sufficiently to provide a continuous diamond-to-diamond path to substantially each of the plurality of diamond particles (see, e.g., par.0022/II.53-56 and par.0035/II.9-10).

15. Regarding claim 12, Hall shows (see, e.g., figs. 2-3 and par.0022) the method further comprising the steps of:

- Providing a porous ceramic material **17** prior to the step of bonding
- Placing the ceramic material **17** adjacent to the packed diamond particles prior to the step of bonding

16. Regarding claim 13, Hall shows the ceramic material comprising 100% WC.

17. Regarding claim 14, Hall shows the step of bonding is performed at a pressure between about 4GPa and about 6GPa (see, e.g., par.0022/II.51).

18. Regarding claim 15, Hall shows the diamond particles having a size of from about 18 mesh to about 400 mesh (see, e.g., par.0022/II.1-5).

Claim Rejections - 35 USC § 103

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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20. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall in view of Sung (US 6193770).

21. Regarding claims 5 and 6, Hall shows most aspects of the instant invention (see, e.g., paragraph 12 above). Hall, however, fails to specify that the infiltration step be performed at below about 1,100°C in a vacuum furnace at a pressure below 10^{-3} torr.

Sung, on the other hand, teaches an infiltrating temperature below 1,100°C to avoid degrading the diamond particles (see, e.g., col.4/ll.31-34). He further uses pressures below 10^{-3} torr to control the environment for infiltration to provide superior performance (see, e.g., col.13/ll.20-30)

It would have been obvious at the time of the invention to one of ordinary skill in the art to perform the infiltrating step of Hall in a vacuum furnace at a pressure below 10^{-3} torr and a temperature below 1,100°C, as suggested by Sung, to avoid degrading the diamond particles.

22. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall in view of Vereschagin (1382080).

23. Regarding claims 8; Hall shows most aspects of the instant invention (see, e.g., paragraph 4 above). Hall, however, fails to show a step of adding a second plurality of diamond particles having a second average mesh size smaller than the first mesh size to partially fill the voids between the larger particles to produce a packed collection of diamond between 50%-80% by volume of diamond.

Vereschagin (see, e.g., ll.90-98), on the other hand, teaches that said step would increase the diamond proportion in the composite to a maximum, since voids between coarse diamond particles become filled with the fine diamond particles.

It would have been obvious at the time of the invention to one of ordinary skill in the art to include in Hall's method Vereschagin's step of adding smaller diamond particles to the larger diamond particles to maximize the diamond concentration in the heat spreader.

24. Regarding claims 9 and 10, Vereschagin teaches that the fine particles may be 1/10th the size of the large particles (see, e.g., ll.86-91).

Response to Arguments

25. The applicant argues:

Ishikawa's particles are bonded by direct sintering of particles. After sintering the particles, metal is infiltrated into the sintered body. The infiltrated metal cannot bond particles that are already sintered together. Thus, it is clear that Ishikawa's diamond particles are bonded by sintering and not by the infiltrated metal. Ishikawa fails to show the claimed limitation of "bonding the packed diamond particles by the interstitial material" because he does not show packed diamond particles, rather a sintered porous mass, and he does not show an interstitial material which is used in bonding the particles together.

The examiner responds:

Ishikawa clearly teaches a method showing the step of packing diamond particles together (see, e.g., fig.16/step S601). About this packing step Ishikawa says that *although there is no strong network*, the diamond particles are pre-formed into an arbitrary shape that preferably resembles the final shape (see, e.g., pp.26/ll.10-14). He then further teaches the step of bonding the packed particles by the interstitial material such that the interstitial material at least partially fills the voids between the packed particles (see, e.g., pp.13/ll.7-12). Now that the interstitial material binds the packed

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particles by filling in the voids, the strength of the network is increased (see, e.g., pp.27/II.18-19).

26. The applicants argue:

As noted by the examiner, copper remaining in Hall's matrix strengthens the bond between the diamond and the copper layer, rather than between diamond particles. The claimed invention requires "bonding the packed diamond particles by the interstitial material". Hall's sintered diamond is not bonded by the copper. As a result, Hall cannot be said to teach "bonding the packed diamond particles by the interstitial material".

The examiner responds:

Hall clearly shows the above features of the claimed invention. See, e.g., par.0022/II.52-57, where Hall teaches that the diamond particles are bonded together by the interstitial material.

Conclusion

27. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

28. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

29. Papers related to this application may be submitted directly to Art Unit 2814 by facsimile transmission. Papers should be faxed to Art Unit 2814 via the Art Unit 2814

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Fax Center. The faxing of such papers must conform to the notice published in the Official Gazette, 1096 OG 30 (15 November 1989). The Art Unit 2814 Fax Center number is **(571) 273-8300**. The Art Unit 2814 Fax Center is to be used only for papers related to Art Unit 2814 applications.

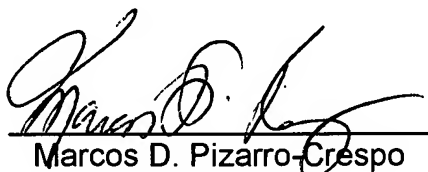
30. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Marcos D. Pizarro-Crespo** at **(571) 272-1716** and between the hours of 10:00 AM to 8:30 PM (Eastern Standard Time) Monday through Thursday or by e-mail via Marcos.Pizarro@uspto.gov. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wael Fahmy, can be reached on (571) 272-1705.

31. Any inquiry of a general nature or relating to the status of this application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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32. The following list is the Examiner's field of search for the present Office Action:

Field of Search	Date
U.S. Class/Subclass(es): 438/15,25,26,51,55,64,105,106,122,584,FOR413	7/21/06
Other Documentation: PLUS Analysis	4/26/05
Electronic Database(s): EAST (USPAT, EPO, JPO)	7/21/06



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